

**REMARKS**

This Amendment and Response is intended to fully respond to the Final Office Action mailed July 1, 2004. Claims 1-4, 10-16, 20-26 and 28-31 were examined in the Office Action and all claims stand rejected. More specifically, claims 1-4, 10-16, and 20-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beaton et al. (USPN 6,037,937); and claims 26, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaton and Capps et al. (USPN 6,512,525).

In this Response, claim 1 was amended. No new claims were added. No claims were canceled. In view of the amendments and these remarks, reexamination and reconsideration are respectfully requested.

**Claim Objections**

Claim 1 was objected to due to informalities. An amendment to claim 1 has been made above to improve its form. It is believed that the above amendment obviates the claim objection, and therefore, the Applicant respectfully requests withdrawal of the objection.

**Claim Rejections – 35 U.S.C. § 102**

Claims 1-4, 10-16, and 20-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beaton et al. (USPN 6,037,937, hereafter “Beaton”). Applicant respectfully traverses the Examiner’s rejections under 35 U.S.C. § 102(e), on the grounds that Beaton does not anticipate the present invention.

Before discussing the rejection of the claims, brief descriptions of Beaton and the present invention are provided.

Beaton relates to a system for graphical navigation within electronic devices. The graphical navigation tools may be used to navigate through documents at varying speeds. In one embodiment, the navigation tool is transparent to prevent obscuring underlying data, which results in the navigational tool taking up less screen real estate than it otherwise would. Beaton teaches only a transparent navigation tool, and no other transparent objects or layers.

In contrast, the present invention is directed to generating information screens and control screens that are full screen displays. Both of these screens may be full screen displays as a composite screen -- transparent screens superimposed on each other. Thus, each screen is a full screen display and fully visible to the user. Depending on the blending of the screens, the information screen may appear to be in the foreground or the control screen may appear to be in the foreground. In either event the entire screen for the information screen and the control screen are visible to the user. This is accomplished through the use of two transparency masks, or through the use of two alpha channels.

A transparency mask uses one or more mask values to affect transparency of a graphical layer or object. A fully masked object will be completely or nearly completely opaque, with nothing underneath showing through. In contrast, a minimum mask value will cause the object to be completely nearly completely transparent. Alpha channels are fundamentally similar, using "alpha values" and "alpha blending" to control how much of each object is blended into what is rendered. Alpha blending is a method well known in the art for rendering an image that includes transparency in one or more graphical layers or objects.

The claimed invention includes both a transparent information screen, and a transparent control screen. The two screens may trade foreground and background status, and may each be transparent to a different degree, thus allowing for increased control of screen appearance, and enabling screen configurations and visual effects that Beaton is incapable of.

With these differences in mind, it will become clear as discussed below how the claims differ from the Beaton reference.

Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. V. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."). Since Beaton does not disclose a first transparency mask and a second transparency mask, Beaton cannot, as a matter of law, anticipate claim 1. Further, claims 2-4 depend directly or indirectly from claim 1 such that those claims should also be allowed over Beaton, and reconsideration is respectfully requested.

Likewise, Beaton does not disclose generating a transparent information screen, and generating a transparent control screen, and so Beaton cannot, as a matter of law, anticipate claim 10. Since claims 11-16 depend directly or indirectly from claim 10 such that those claims should also be allowed over Beaton, reconsideration is respectfully requested.

Similarly, Beaton does not disclose generating with an alpha channel an information screen, and generating with an alpha channel a control screen having at least one control image, and so Beaton cannot, as a matter of law, anticipate claim 20. Since claims 21-25 depend directly or indirectly from claim 20 such that those claims should also be allowed over Beaton, reconsideration is respectfully requested.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 26, and 28-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Beaton et al. and Capps et al. (USPN 6,512,525, hereafter “Capps”). Applicant respectfully traverses the § 103 rejections, as the Examiner has failed to establish a prima facie case of obviousness. In order to establish a prima facie case, the references must show that the cited references teach or suggest each of the elements of the claimed invention (MPEP § 706.02(j) and 2142-43). With respect to the cited references, all elements of the independent claims are neither taught nor suggested.

Beaton, as discussed above, relates to a system for graphical navigation within electronic devices. The graphical navigation tools may be used to navigate through documents at varying speeds. In one embodiment, the navigation tool is transparent to prevent obscuring underlying data, which results in the navigational tool taking up less screen real estate than it otherwise would. Beaton teaches only a transparent navigation tool, and no other transparent objects or layers.

In contrast, the Capps reference and all the other cited references are using a conventional technique where a portion of the display is consumed by each of the information screen and the control screen. Neither the information screen or the control screen have full use of the complete

display. Whichever screen is in the foreground, the background screen is not visible through the foreground screen.

The combination of Beaton and Capps simply does not teach or suggest each of the elements of the claimed invention. Neither Beaton nor Capps, alone or in combination, disclose or suggest "generating with an alpha channel an information screen", and "generating with an alpha channel a control screen having at least one control image" as recited in claim 20 and thus incorporated in dependent claim 26. Reconsideration of the § 103(a) rejections is therefore respectfully requested. Claims 28-31 depend on claim 26, and thus should be allowed for at least the same reasons, namely that the combination of the cited references does not teach the present invention.

Since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to because they are not addressed herein.

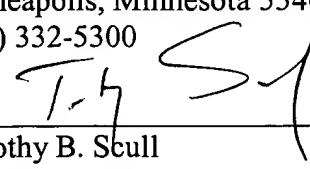
### Conclusion

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

As all claims in the application are in condition for allowance, Applicants request the application be allowed and passed to issuance as soon as possible. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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9/15/04

